



January 2011 Rules Agenda

This report details current and anticipated rulemaking activities for the Department of Health (DOH) and the State Board of Health (SBOH). If you have any questions regarding this report or Department of Health rulemaking activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding State Board of Health rulemaking activities please contact Craig McLaughlin at (360) 236-4106.

This agenda is for information purposes, and the noted dates of anticipated rulemaking actions are estimates. Governor Chris Gregoire signed an Executive Order (EO) 10-06 on November 17, 2010 directing agencies under her jurisdiction to suspend non-critical rule development and adoption activities until the end of 2011. Under the order agency directors can allow exemptions from the suspension so some specific rules may move ahead. The Office of Financial Management has provided guidelines for these exemptions. The department has reviewed the rule development projects underway to determine if any rules meet the exemption criteria. Exemptions for rules under the authority of the State Board of Health will be determined at the board's January 2011 meeting.

Any errors in this agenda do not affect the rules and rulemaking notices filed with the Office of the Code Reviser and published in the Washington State Register. There may be additional DOH rulemaking activities that cannot be forecasted as the Department initiates rulemaking to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" at the end of the tables for explanations of terms and acronyms.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 30, 2010

TIME: 1:01 PM

WSR 11-02-045

State Board of Health Rule Making

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 28A.210.140	State Board of Health	WAC 246-105-040 Requirements based on National Immunization Guidelines	10-16-105 08/02/2010	10-20-144 10/05/2010		Hearing held 11/10/10 before EO 10-06 went into effect Anticipate Filing 01/2011	JEFF WISE (360) 236-3483
RCW 43.20.050	State Board of Health	WAC 246-100-191, Animals, birds, pets - Measures to prevent human disease. WAC 246-100-201, Birds - Measures to prevent psittacosis.	07-10-117 05/2/2007	10-20-146 10/05/2010		Hearing held 11/10/10 before EO 10-06 went into effect Anticipate Filing 01/2011	LIZ DYKSTRA (360) 236-3223
RCW 43.20.050	State Board of Health	Chapter 246-101 WAC, Notifiable Conditions	09-18-008 08/20/2009	10-20-155 10/06/2010		Hearing held 11/10/10 before EO 10-06 went into effect Anticipate Filing 01/2011	PAMELA LOVINGER (360) 236-4225
RCW 43.20.050	State Board of Health	Chapter 246-272A WAC, On-site Sewage Systems. This will explore creation of a process for the approval and state registration of drain field remediation technologies. The State Board of Health does not currently regulate remediation technologies.	06-12-108 06/7/2006	Exemptions for rules under the authority of the SBOH TBD at the board's January 2011 meeting.			MELISSA MCEACHRON (360) 236-3265

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 43.20.050	State Board of Health	Chapter 246-291 WAC, Group B Public Water Supplies	07-14-147 070/5/2007	Exemptions for rules under the authority of the SBOH TBD at the board's January 2011 meeting.			THERESA PHILLIPS (360) 236-3147
RCW 43.20.050	State Board of Health	Chapter 246-390 WAC, Drinking Water Laboratory Certification	06-23-077 11/13/2006	Exemptions for rules under the authority of the SBOH TBD at the board's January 2011 meeting.			THERESA PHILLIPS (360) 236-3147
RCW 43.20.050	State Board of Health (delegated to Department of Health)	Chapter 246-290 WAC, Group A Public Water Supplies – Lead & Copper	09-15-040 01/08/2009	Rule Meets Executive Order Exemption Criteria			THERESA PHILLIPS (360) 236-3147
RCW 43.20.050 43.20.145	State Board of Health	Chapter 246-205, Food Service	10-04-068 01/29/2010	Exemptions for rules under the authority of the SBOH TBD at the board's January 2011 meeting.			JOE GRAHAM (360) 236-3305
RCW 43.20.050, 70.119A.080	State Board of Health	WAC 246-203-103 Keeping of Animals	09-17-132 08/19/2009	Exemptions for rules under the authority of the SBOH TBD at the board's January 2011 meeting.			NED THERIEN (360) 236-4103

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.62.240	State Board of Health	Chapter 246-360 WAC, Transient Accommodations	07-14-148 07/5/2007	Exemptions for rules under the authority of the SBOH TBD at the board's January 2011 meeting.			JOHN HILGER (360) 236-2929

Department of Health

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.35.161	Board of Hearing and Speech	WAC 246-828-XXX Prohibiting the use of the title "Audioprosthologist"	09-11-116 05/20/2009	Suspended until 2012 due to EO 10-06			JANETTE BENHAM (360) 236-4857
RCW 18.52.071	Board of Nursing Home Administrators	WAC 246-843-010, 070, 071, 073, 090, 093, 095, 230 and 231 - Application for Initial License and endorsement	06-12-109 06/7/2006	Suspended until 2012 due to EO 10-06			KENDRA PITZLER (360) 236-4723
RCW 18.54.070	Board of Optometry	WAC 246-851-XXX Optometry Multicultural Education	10-05-060 02/11/2010	10-21-104 10/20/2010 Hearing was Cancelled on 12/03/10 Suspended until 2012 due to EO 10-06			JUDY HAENKE (360) 236-4947
Chapter 18.57 RCW and Chapter 18.57A RCW	Board of Osteopathic Medicine and Surgery	WAC 246-853-XXX (osteopathic physician) and WAC 246-854-XXX (osteopathic physician assistant) - Pain Management	10-13-102 06/17/10	Rule Meets Executive Order Exemption Criteria Anticipate Filing 03/2011			ERIN OBENLAND (360) 236-4945
RCW 18.130.050 18.57.005 18.57A.020	Board of Osteopathic Medicine and Surgery	Chapter 246-853 WAC - Osteopathic Physicians; Chapter 246-854 WAC - Osteopathic Physician Assistants - Sedation and Anesthesia	07-16-141 08/1/2007	10-04-066 01/29/2010 10-16-155 08/04/2010 10-17-124 09/01/2010		Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011	ERIN OBENLAND (360) 236-4945

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.130.050 18.57.005 18.57A.020	Board of Osteopathic Medicine and Surgery	Chapter 246-853 WAC (osteopathic physician); Chapter 246-854 WAC (osteopathic physician assistant). Delegation and Supervision of Non-Surgical Cosmetic Procedure	07-16-143 08/1/2007	10-22-108 11/02/2010 Hearing scheduled for 11/21/2011		Rule Meets Executive Order Exemption Criteria Anticipate Filing 04/2011	ERIN OBENLAND (360) 236-4945
RCW 18.64.005	Board of Pharmacy	Chapter 246-886 WAC Animal Control-Legend Drug Sodium Pentobarbital	09-11-049 05/13/2009	Rule Requested by Petition and meets Executive Order Exemption Criteria Anticipate Filing 02/2011			DOREEN BEEBE (360) 236-4834
RCW 18.64.005 69.50.320	Board of Pharmacy	WAC 246-887-280 Approved Controlled Substances		Expedited Rule Making notice filed under RCW 34.05.353	10-16-111 8/02/2010	Rule Meets Executive Order Exemption Criteria Anticipate Filing 02/2011	DOREEN BEEBE (360) 236-4834
RCW 18.64.005, 18.64.165	Board of Pharmacy	New chapter 246-874 WAC Pharmaceutical Services -- Correctional Facilities. The Board of Pharmacy is considering developing rules that will establish enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.	07-14-145 07/5/2007	Rule Meets Executive Order Exemption Criteria Anticipate Filing 03/2011			DOREEN BEEBE (360) 236-4834

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.130.050 and 18.130.050	Board of Psychology	WAC 246-924-485 Repeal Delegation of Authority to Initiate Investigations		Expedited Rule Making notice filed under RCW 34.05.353	10-16-112 8/02/2010	Rule Meets Executive Order Exemption Criteria Anticipate Filing 03/2011	BETTY MOE (360) 236-4912
RCW 18.25.0171	Chiropractic Quality Assurance Commission	WAC 246-808-150 Continuing education	09-09-031 04/07/2009	Suspended until 2012 due to EO 10-06			LEANN YOUNT (360) 236-4856
RCW 18.25.0171 18.130.050 (1) and (12)	Chiropractic Quality Assurance Commission	246-808-XXX Future Care Contracts Prohibited Chiropractic Quality Assurance Commission	10-06-017 02/22/2010	Suspended until 2012 due to EO 10-06			LEANN YOUNT (360) 236-4856
Chapter 18.32 RCW	Dental Quality Assurance Commission	Chapter 246-817 WAC - Pain Management	10-13-099 06/17/2010	Rule Meets Executive Order Exemption Criteria Anticipate Filing 03/2011			JENNIFER SANTIAGO (360) 236-4893
RCW 18.32.040 18.130.064	Dental Quality Assurance Commission	WAC 246-817-310 and -XXX Maintenance and Retention of Dental Records and Dental Treatment Records	09-13-097 06/17/2009	Suspended Until 2012 due to EO 10-06			JENNIFER SANTIAGO (360) 236-4893
RCW 18.32.040 18.130.064	Dental Quality Assurance Commission	WAC 246-817-XXX Inactive Status	09-03-108 01/21/2009	Rule Meets Executive Order Exemption Criteria 10-23-082 01/21/2009 Hearing Rescheduled 02/04/2011			JENNIFER SANTIAGO (360) 236-4893

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.130.040	Department of Health	New chapter 246-XXX WAC relating to certification of animal massage practitioners	07-18-016 08/24/2007	Rule Meets Executive Order Exemption Criteria Anticipate Filing 03/2011			JUDY HANEKE (360) 236-4828
RCW 18.36A.060	Department of Health	WAC 246-836-010 and -210, Proposing to amend existing sections and add a new section to identify nonsurgical cosmetic procedures for naturopathic physicians	10-15-098 07/20/2010	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941
RCW 18.36A.060	Department of Health	WAC 246-836-080 Continuing Competency Program Requirements for Naturopathic Physicians	08-17-041 08/14/2008	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941
RCW 18.84.040	Department of Health	WAC 246-926-180 Amending the Parenteral Procedures for Radiologic Technologists	10-15-101 07/20/2010	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941
RCW 18.36A.060 18.36A.100	Department of Health	Chapter 246-836 WAC Amending Accreditation Requirements for Naturopathic Medical Educational Institutions	10-15-097 07/20/2010	Suspended until 2012 due to EO 10-06			SUSAN GRAGG (360) 236-4941
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Hospital Acute Care Bed Methodology	09-16-118 08/04/2009	Suspended until 2012 due to EO 10-06			JOHN HILGER (360) 236-2929

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 43.70.120 and 7C.F.R. 246	Department of Health	WAC 246-790-010 through -130 Women, Infant, and Children's Nutrition Program Authorized Retailers	10-14-093 07/06/2010	Rule Meets Executive Order Exemption Criteria			PETER GAYTON (360) 236-3788
RCW 70.118B.040	Department of Health	Chapter 246-272B WAC - Large On-site Sewage System (LOSS) Regulations	08-03-065 01/14/2008	Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011			MELISSA MCEACHRON (360) 236-3265
RCW 70.119.050	Department of Health	Chapter 246-292 WAC Waterworks Operator Certification	09-21-043 10/13/2009	Rule Meets Executive Order Exemption Criteria Anticipate Filing 09/2011			THERESA PHILLIPS (360) 236-3147
Chapter 70.185 RCW	Department of Health	Chapter 246-562 WAC, J-1 Physician Visa Waiver regulations	08-14-077 6/26/2008	Rule Meets Executive Order Exemption Criteria Anticipate Filing 05/2011			JENNEL PRENTICE (360) 236-2814
Chapter 70.225 RCW	Department of Health	Title 246 WAC - Adding new chapter for Prescription Monitoring Program (PMP)	08-15-085 7/16/2008	Rule Meets Executive Order Exemption Criteria Anticipate Filing 05/2011			DOREEN BEEBE (360) 236-4834

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.119A.170	Department of Health	Chapter 246-296 WAC, Drinking Water State Revolving Fund Loan Program	Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011				THERESA PHILLIPS (360)236-3147
Chapter 70.54 RCW	Department of Health	Chapter 246-102 WAC Cancer Registry	09-15-186 07/22/2009	10-13-097 6/06/2010		Suspended until 2012 due to EO 10-06	KATIE GOLUB (360) 236-3624
RCW 70.98.050	Department of Health	Chapter 246-231 WAC, Packaging and Transportation of Radioactive Material, and Chapter 246-240 WAC Radiation Protection – Medical Use of Radioactive Material	Proposal is Exempt under RCW 34.05.310 (4)	10-14-098 07/06/2010		Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011	TRACI BLACK (360) 236-3259
RCW 70.98.050	Department of Health	Chapter 246-247 WAC - Radiation Protection - Air Emission	05-12-140 06/1/2005	Suspended until 2012 due to EO 10-06			TRACI BLACK (360) 236-3259
RCW 70.98.050	Department of Health	Chapter 246-255A, Dental X-Ray Radiation Safety and Diagnostic Imaging Quality Standards	09-16-141 08/05/2009	Rule Meets Executive Order Exemption Criteria Anticipate Filing 04/2011			ANDREW THATCHER (360) 236-3231
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Revising and Updating the Certificate of Need Adjudicative Proceeding Rules	Suspended until 2012 due to EO 10-06				JOHN HILGER (360) 236-2929

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.168.050 70.168.060	Department of Health	WAC 246-976-001 through 400, -890, -920, -950 EMS and Trauma Pre-Hospital rules and standards	08-16-037 07/29/2008	10-08-092 04/06/2010 Supplemental 10-21-070 10/18/2010		Rule Meets Executive Order Exemption Criteria Anticipate Filing 03/2011	MIKE LOPEZ (360) 236-2841
RCW 70.98.050 70.98.080	Department of Health	WAC 246-220-010 Definitions Radio Protection WAC 246-249-010 Definitions, 246-249-090 Transfer for Disposal and Manifests WAC 246-250-010 Definitions Licensing Land Disposal	Proposal is Exempt under RCW 34.05.310 (4)	10-16-107 08/02/2010		Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011	TRACI BLACK (360) 236-3259
RCW 18.71.017	Medical Quality Assurance Commission	Chapter 246-919-XXX Definitions and Credentialing of Physicians for Teaching-Research and Fellowship Limited Licenses	Suspended until 2012 due to EO 10-06				BEVERLY TEETER (360) 236-4788
RCW 18.71.017	Medical Quality Assurance Commission	WAC 246-919-480 Retired Active Credential	09-20-075 10/21/2009	10-21-103 10/20/2010		Rule Meets Executive Order Exemption Criteria Anticipate Filing 04/2011	JULIE KITTEN (360) 236-2757
RCW 18.130.050 18.71A.020	Medical Quality Assurance Commission	New Sections in chapter 246-918 WAC Safe and Effective Analgesia and Anesthesia Administration in Office-Based Surgery Settings as it applies to Physician Assistants.	07-23-125 11/21/2007	Suspended until 2012 due to EO 10-06			BEVERLY TEETER (360) 236-4788

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
Chapter 18.71 RCW 18.71A RCW	Medical Quality Assurance Commission	WAC 246-919-XXX Physicians and WAC 246-918-XXX Physician Assistants Pain Management	10-13-094 06/16/2010	Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011			JULIE KITTEN (360) 236-2757
RCW 18.71.017 18.130.050 18.71.430	Medical Quality Assurance Commission	WAC 246-919-430 (physicians) and WAC 246-918-XXX (physician assistants) Requiring additional practice information at renewal	09-14-114 06/30/2009	10-21-098 06/30/2009		Suspended until 2012 due to EO 10-06	JULIE KITTEN (360) 236-2757
Chapter 18.79 RCW	Nursing Care Quality Assurance Commission	WAC 246-840-XXX Pain Management	10-13-100 06/17/10	Rule Meets Executive Order Exemption Criteria Anticipating Filing 01/2011			TERRY WEST (360) 236-4712
RCW 18.59.090, 18.130.050	Occupational Therapy Practice Board	WAC 246-847-030 Occupational therapists acting in a consulting capacity; WAC 246-847-055 Initial application for individuals who have not practiced within the past four years; WAC 246-847-068 Expired license; WAC 246-847-070 Inactive credential; WAC 246-847-125 Applicants currently licensed in other states or territories and WAC 246-847-XXX Renewal for those that have not practiced in four years	08-15-088 07/17/2008	Suspended until 2012 due to EO 10-06			JANETTE BENHAM (360) 236-4857

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
Chapter 18.22 RCW	Podiatric Medical Board	WAC 246-922-XXX Pain Management	10-13-103 06/17/2010	Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011			ERIN OBENLAND (360) 236-4945
RCW 18.22.015 18.130.050	Podiatric Medical Board	WAC 246-922-010 Definitions; adding new sections to chapter 246-922 WAC to establish standards for prescribing orthotic devices by podiatrists	07-16-140 08/1/2007	Suspended until 2012 due to EO 10-06			ERIN OBENLAND (360) 236-4945
RCW 18.92.030	Veterinary Board of Governors	WAC 246-933-460 Courses approved by the veterinary board – amending the list of approved organizations	10-13-095 06/16/2010	10-21-081 10/19/2010		Suspended until 2012 due to EO 10-06	JUDY HAENKE (360) 236-4947
RCW 43.70.110 43.20B.020	Department of Health	Chapter 246-272 WAC, Wastewater and reclaimed water use fees – consolidating the on-site sewage system additives fee. NO CHANGE IN THE FEE AMOUNT OR APPLICATION	Proposal is Exempt under RCW 34.05.310 (4)	10-20-136 10/05/2010		Rule Meets Executive Order Exemption Criteria Anticipate Filing 01/2011	BRANDY BRUSH (360)236-3342

KEY

CR means “Code Reviser” on the notice forms created by the Office of the Code Reviser for use by all state agencies.

CR-101 is a Preproposal Statement of Inquiry filed under RCW 34.05.310.

CR-102 is a Proposed Rule Making notice filed under RCW 34.05.320 or 34.05.340.

Proposal is Exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an Expedited Rule Making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

CR-103 is Rule Making Order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

EMERGENCY rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 Rule Making Order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for 120 days after the filing date, and may be extended in certain circumstances.

EO is the Executive Order 10-06 of 2010

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

TBD- To Be Determined is when a date is still being discussed

RCW is the Revised Code of Washington

WAC is the Washington Administrative Code

WSR number is the Washington State Register official filing reference number given by the Office of the Code Reviser when a notice is filed.

DOH is the Department of Health

HSQA is the Health Systems Quality Assurance division

EH is the Environmental Health division

EHSPHL is the Epidemiology Health Statistics and Public Health Labs division

CFH is the Community Family Health division

SBOH is the State Board of Health